

Study of Jury Pool Formation in Judicial District 15B

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For the North Carolina Courts Commission
December 9, 2016



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Presentation Plan

- Background and Study Question
- Methodology
- Process Evaluation
- Survey Analysis
- Limitations
- Conclusions
- Recommendations for Future Research

Background

- **Jury pools** come from randomly selected groups of eligible citizens who report for jury duty after receiving summonses from their local courts
- Civil and criminal trials
- State law + county procedures = jury pool—formation process

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Background

- The right to trial by a jury of one's peers
- U.S. Supreme Court has interpreted this right to require that juries be drawn from “a representative cross section of the community”
- State and local policies that encourage inclusion with respect to the overall jury-eligible population and individual demographic groups in the community help to satisfy this requirement for **representativeness**

Background

- Study requested by JDEC for NC Judicial District 15B (Chatham and Orange)
- Do jury pools in 15B reflect the demographic composition of each county's jury-eligible population
- Essentially: who's in the pool?

Methodology

- Two research questions:
 1. How does the jury pool–formation process work in statute and in practice at the state level and in Chatham and Orange counties?
 2. Are there racial or ethnic disparities between the demographics of jury pool populations and the demographics of Chatham and Orange counties?

Methodology

1. How does the jury pool–formation process work in statute and in practice at the state level and in Chatham and Orange counties?
 - Semi-structured interviews
 - Document analysis
 - Statutory review

Methodology

2. Are there disparities between the demographics of jury pool populations and the demographics of Chatham and Orange counties?
 - Compared demographic data from **survey responses** collected at jury pool orientations in both Chatham and Orange counties to **Census Bureau** data
 - To get a more complete picture, we went beyond **race** and **ethnicity** to analyze survey responses for **sex**, **household size**, and **household income**

Methodology

- Request received Fall 2013, work began early 2014
- Survey periods
 - Chatham: March 2014–March 2016
 - Orange: May 2014–April 2016
- Work completed and report published in September 2016
- SOG staff, graduate student volunteers

Process in Statute

- Begins at the state level with communications between BOE and DMV
 - Combine a list of registered voters with a list of licensed drivers to create a **representative source list** of those eligible for jury service
 - Provide source list to the 3-member jury commissions in each county

Process In Statute

- Jury commission in each county
 - Reviews and revises the list of local names to arrive at a **county-level master list** of all prospective jurors qualified to serve in the upcoming two-year period
 - Provides this list to Clerks of Superior Court in each county

Process in Statute

- Assistant and deputy court clerks
 - Randomly select names of prospective jurors from the county master list
 - Mail out jury summonses to those individuals
 - Grant requests for deferrals and exemptions as appropriate
 - Process those who appear for potential jury service
 - Guide those chosen for service through their duties

Process in Statute

- Some specifics in statutes, but overall broad, allowing for significant variation especially in county level processes

Process Evaluation Findings

- There was **no clear documentation** of the state-level process by which a list of eligible jurors for each county is created
 - It was not clear (1) how data from the Board of Elections' list of registered voters was combined with customer data from the DMV or (2) how the resulting list was cleaned (e.g., by eliminating duplicate records)
- At the county level, the processes we examined fell within the broad statutory requirements that govern jury pool formation, which allow for significant **local discretion** and **procedural variation**

Process Evaluation Findings

Example:

In Orange County, the Commission eventually meets to confer on changes to the list

In Chatham County, Commission members work individually

Survey Analysis

- We created paper surveys for jury pool participants in Chatham and Orange counties
 - In Chatham, the deputy clerk offered a survey to individuals as they signed in
 - In Orange, the assistant clerk placed the surveys on a side table in the waiting room
- In both counties the surveys were voluntary, but the response rate was higher in Chatham

Survey Analysis

Table 6. Total Surveys Received and Analyzed, March 2014–April 2016

	Total Surveys Received	Total Excluded from Analysis	Total Surveys Analyzed
Chatham	790	5	785
Orange	746	2	744
Total	1,536	7 ^a	1,529

- Received and analyzed over 1,500 surveys
 - 785 analyzed from 16 jury pools in Chatham
 - 744 analyzed from 32 jury pools in Orange
- Responses to individual survey questions varied and are reported for each question

Survey Analysis

- We compared the demographics in our survey results to what we would expect given the census data
 - For example, we had datasets for race and ethnicity that filtered the overall census results for citizens of voting age
 - This made for a ready comparison to the voting-age citizens in each jury pool

Survey Analysis Findings

- We found a small but persistent trend in which there were **fewer African Americans** and **more whites** in our survey results than expected based on census data
- This was true not only overall (combining all jury pools in a county across the study period), but also across many of the individual jury pools

Survey Analysis Findings

- Whites made up **84.2** percent of jury pool survey respondents in Chatham County
 - Based on the census estimate for voting-age white citizens in the county, we would have expected that number to be **81.0** percent
- There were **619** whites among the Chatham jury pool survey respondents; we would have expected about **595**.

Survey Analysis Findings

- African Americans made up **11.3** percent of jury pool survey respondents in Chatham County
 - Based on the census estimate for voting-age African-American citizens in the county, we would have expected **14.0** percent
- There were **83** African Americans among the Chatham jury pool respondents; we would have expected **103**

Survey Analysis Findings

- Whites made up **84.7** percent of jury pool survey respondents in Orange County
 - Based on the census estimate for voting-age white citizens in the county, we would have expected that number to be **78.2** percent
- There were **626** whites among the Orange jury pool survey respondents; we would have expected about **578**

Survey Analysis Findings

- African Americans made up **8.4** percent of jury pool survey respondents in Orange County
 - Based on the census estimate for voting-age African-American citizens in the county, we would have expected **12.4** percent
- There were **62** African Americans among the Orange jury pool respondents; we would have expected **92**

Survey Analysis Findings

- Individuals who identified as Hispanic or Latino were slightly overrepresented in Chatham's survey results and slightly underrepresented in Orange's results.
 - However, the percentages were fairly close to the corresponding Census Bureau estimates for voting-age Hispanic or Latino citizens, and those citizens' relatively small share of each county's population meant that the overall effect was slim.

Survey Analysis Findings

- The patterns that appear in the aggregate results were generally repeated across many of the individual jury pools
 - African Americans tended to be underrepresented in survey results from those pools considerably more often than whites or Hispanics when compared to their respective census estimates
 - The size of such disparities tended to be 1-2 individuals per batch of surveys collected from each pool; in some cases, it was a fractional value less than 1

Survey Analysis Findings

- For example, across all Orange County jury pool survey batches we analyzed,
 - whites were underrepresented in 2
 - African Americans were underrepresented in 17
 - Hispanics were underrepresented in 1
- Again, the degree of underrepresentation may be just 1-2 fewer individuals than expected, but there was a clear trend over the 2-year survey period

Survey Analysis Findings

- Random variation alone is not likely to fully explain the results and suggests that there may be concerns about representativeness
- For the non-statistician, it may be easier to see the differences in the aggregate results across the whole time period and harder to visualize them in a single pool of individuals showing up for jury duty
 - This is why the consistency of the patterns across those pools, over time, may be more meaningful than the composition of any single pool showing up on a specific date

Survey Analysis Findings

- **Men** were underrepresented by about 10 percent in the Chatham County survey results, while **women** were underrepresented by about 3 percent in the Orange County results
- **Individuals living alone** were dramatically underrepresented in the jury pool survey results for both counties
- In Chatham, respondents with household incomes of **at least \$100,000** outnumbered respondents with incomes **less than \$25,000** by a ratio of **2:1**; in Orange, that ratio was almost **8:1**

Limitations

- Our jury pool survey depended upon voluntary responses, and while the response rate was generally good, we do not have demographic data for every member of every jury pool
 - If those who **did not** complete a survey are systematically different from those who **did** (non-random), it could distort our analysis

Limitations

- While the Census Bureau datasets we used for community comparison were the best available, the data do not align perfectly with the jury-eligible population we surveyed
 - Moreover, the Census Bureau data are older in some cases than the survey data we collected—for example, the race and ethnicity data was from 2010-2014

Limitations

- Most importantly, we were able to survey only those individuals **who appeared for jury duty**, and thus our analysis could not assess those individuals who were
 - included in the state and county master lists,
 - were summoned for jury duty,
 - but ultimately (1) had undeliverable addresses; (2) were deferred, excused, or disqualified; or (3) simply failed to appear

Conclusions

- To suggest that this is worth a further look is not to say that state or county officials or policies are intentionally erecting barriers to certain groups' participation in jury pools
 - Indeed, **we found no specific practices inconsistent with law or policy** in our review of state-level procedures, and counties have significant discretion in vetting their jury lists and composing their eventual pools
- It is possible that policies or practices that are neutral in intent could nonetheless affect distinctive demographic groups or sub-groups in different ways

Conclusions

- **We are capturing the end result of a long and complex jury pool–formation process**
- By continuing this work, officials could better understand how the current jury pool–formation process influences the composition of each resulting jury pool

Recommendations for Future Research

- Is the population that receives a county's **initial jury summonses** representative of the community?
- How do the demographic characteristics of those summoned for jury duty who obtain **deferrals and excusals** or are **disqualified** compare to those who remain available to serve?
- How do the demographic characteristics of those summoned who **fail to appear** for jury duty compare to those who do appear?
- In addition to race and ethnicity, how do characteristics such as **sex, household size, and household income** interact with and impact jury pool formation?

Questions?

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